



Comptroller General  
of the United States

Washington, D.C. 20548

## Decision

**Matter of:** Purification Industries, Inc.

**File:** B-260030

**Date:** January 23, 1995

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### DECISION

Purification Industries, Inc. protests the award of a contract under solicitation No. DACA67-93-B-0058 issued by the Department of the Army.

We dismiss the protest because our Office generally does not review the selection of subcontractors.

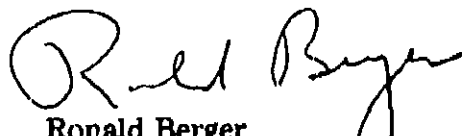
Specifically, our Office does not review subcontract awards by government prime contractors except where the award is by or for the government. 4 C.F.R. § 21.3(m)(10). This limitation on our review is derived from the Competition in Contracting Act of 1984, 31 U.S.C. § 3551 *et seq.* (1988), which limits our bid protest jurisdiction to protests concerning solicitations issued by federal contracting agencies. In the context of subcontractor selections, we interpret the Act to authorize our Office to review subcontractor protests only where, as a result of the government's involvement in the award process or due to the contractual relationship between the prime contractor and the government, the subcontract is in effect awarded on behalf of the government.<sup>1</sup> Edison Chouest Offshore, Inc.; Polar Marine Partners, B-230121.2; B-230121.3, May 19, 1988, 88-1 CPD ¶ 477.

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<sup>1</sup>For example, we will consider protests regarding subcontracts awarded by prime contractors operating and managing Department of Energy facilities; purchases of equipment for government-owned, contractor-operated (GOCO) plants; and procurements by construction management prime contractors. Ocean Enters., Ltd., 65 Comp. Gen. 585 (1986), 86-1 CPD ¶ 479, *aff'd*, 65 Comp. Gen. 683 (1986), 86-2 CPD ¶ 10.

Accordingly, we find this subcontract award, in which the government played no part in the selection of the contractor, not to be "by or for the government," and outside our jurisdiction.

The protest is dismissed.



Ronald Berger  
Associate General Counsel